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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,849	10/23/2001	Robert Pisani	1141-201	1900

7590 05/27/2005  
Lieberman & Brandsdorfer, LLC  
12221 McDonald Chapel Drive  
Gaithersburg, MD 20878-2252

EXAMINER
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LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,849

Applicant(s)

PISANI, ROBERT

Examiner

Kuen S Lu

Art Unit

2167

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendments***

1. The Action is responsive to the Applicant's Amendments, filed on April 4, 2005.

Noted is claims 23 and 24 were amended new.

2. As for the Applicant's Remarks on claim rejections, filed on April 4, 2005, has been fully considered by the Examiner, please see discussion in the section Response to Arguments, following the Office Action for non-Final Rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a asserted utility or a well established utility. Claims 23-24 are inoperative and therefore lack utility, specifically, the parameters and/or indexes,  $n$ ,  $r$ ,  $S_i$  and  $i$  in the "standard of proximity" formula in claim 23 are not defined, and claim 24 depends on claim 23.

5. Claims 23-24 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either an asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. Patent 5,812,998, hereafter "Tsutsumi") and further in view of Singhal (U.S. Patent 6,163,782).

As per Claims 1, 11 and 18, Tsutsumi teaches a master library of data from users of a network at Figs. 1 and 2 and col. 6, lines 63-66 by defining a grouped database consisting of a plurality of sub-databases accessible by users of a network.

Tsutsumi also teaches "determining proximity of an independent library to a sub-library within the master library" at col. 15, lines 24-28 by calculating the database structure degree of similarity between the structure of the present sub-database contained in the grouped database and a database structure that has been stored in the database-structure database.

Tsutsumi does not teach the compiling a master library from users of a network.

However, Singhal teaches creating a global view of master collection from a plurality of sub-collection view from the local nodes at col. 5, lines 24-28.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Singhal's reference into Tsutsumi's to create the grouped database by creating a master view consisting all the sub-views of the sub-

databases such that search results from the sub-databases could be passed to and organized by a global custodian before being released to the user because by doing so the search criteria could be based on a common, yet global view.

As per Claims 2 and 12, Tsutsumi teaches "master library includes a collection of individual user libraries" at col. 6, line 63 – col. 7, line 2 by creating a grouped database of a group of sub-databases.

As per Claims 3 and 13, Tsutsumi teaches "user libraries are a collection of lists of said identifying data" at col. 6, line 65 – col. 7, line 2 by identifying and classifying data on a item-by-item basis in each of the sub-databases.

As per Claims 4 and 20, Tsutsumi teaches "the step of determining proximity includes comparing a list of names within said libraries that are common within a predetermined factor" at Figs. 13a-13b and col. 15, lines 44-63 by determining the similarity value of database structures between sub-databases with classification having a common data set and an extracted specific classification range as the predetermined factor.

As per Claims 5, 14 and 21, Tsutsumi teaches scoring the similarity of database structure between sub-databases.

Tsutsumi does not specifically teach "the step of assigning a rank to a sub-library based upon a criterion".

However, Singhal teaches scoring the document by summing the vector inner-product similarity values at col. 6, lines 49-63 and comparing the scores against each other and merging into a single list of documents at col. 7, lines 1-6.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Singhal's reference into Tsutsumi's to create the vector inner-product of the similarity between database-structures of sub-databases because by doing so a ranking could be established to accurately measure the similarity.

As per Claims 6, 15 and 22, Tsutsumi teaches "criteria is selected from the group consisting of: frequency of appearance in said master library, intensity of use by third parties, cost of use, ease of use, difficulty of use, and frequency of occurrence in selected portions of said master library" at col. 16, lines 23-28 by calculating the degree of similarity based on discrete extracted classifications or based on degree of similarity in well known fussy sets with regard to a continuous extracted-classification range.

As per Claims 7 and 16, Tsutsumi teaches "assigning a score to said identifying data based upon proximity of said rank of identifying data in said sub-library to said lists of identifying data in said master library" at col. 16, lines 29-34 by summing up the degrees of similarity of the extracted classifications.

As per Claims 8 and 17, Tsutsumi teaches "score is based upon a quantity of redundancy between said scoring library and said sub-library" at col. 15, line 64 – col. 16, line 4 by calculating the degree of similarity based on the number of times coincidence is achieved.

As per Claim 9, Tsutsumi teaches "viewing sub-libraries within said master library" at col. 6, lines 50-57 by providing the search data to the user's terminal.

As per Claim 10, Tsutsumi teaches "searching for said sub-library with a common subject matter to said independent library" at col. 6, lines 50-57 by retrieving user's searching condition.

As per Claim 19, e article of claim 18, wherein the medium is selected from the group consisting of: a recordable data storage medium and a modulated carrier signal" at col. 13, lines 65-67 by listing the example of storage devices and at col. 14, lines 6-15 by central processing unit to execute various processes.

8. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (U.S. Patent 5,812,998, hereafter "Tsutsumi") and further in view of Singhal (U.S. Patent 6,163,782) and McGee et al. (U.S. Patent 6,496,228, hereafter "McGee").

As per Claim 23, Tsutsumi teaches a master library of data from users of a network at Figs. 1 and 2 and col. 6, lines 63-66 by defining a grouped database consisting of a plurality of sub-databases accessible by users of a network.

Tsutsumi also teaches "proximity of a first library to a second library" at col. 15, lines 24-28 by calculating the database structure degree of similarity between the structure of the present sub-database contained in the grouped database and a database structure that has been stored in the database-structure database.

Tsutsumi does not teach the compiling a master library from users of a network.

However, Singhal teaches creating a global view of master collection from a plurality of sub-collection view from the local nodes at col. 5, lines 24-28.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Singhal's reference into Tsutsumi's to create the grouped database by creating a master view consisting all the sub-views of the sub-databases such that search results from the sub-databases could be passed to and organized by a global custodian before being released to the user because by doing so the search criteria could be based on a common, yet global view.

The combined teaching of Singhal and Tsutsumi does not specifically teach assigning a standard of proximity between the ranking of names in the first and second libraries.

However, McGee teaches a formula for summing absolute value of difference between pairs of coefficients of current and previous frames.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine teaching of McGee with the Singhal and



Tsutsumi references by using a sum-abs standard formula, a popular mathematical equation to quantize the proximity between libraries by calculating standard of difference which well known to an ordinary skilled in the art as further evidenced by the utilization in the McGee reference, to average the summation of rankings of names in the first and second libraries because the formula is a well known generic mathematical formula for calculating standard and the combined teaching would have established the standard of proximity for library ranking quantize-able, credible and meaningful.

As per Claim 24, Tsutsumi teaches "forwarding data from a library based on a user-defined proximity value" at Fig. 12, step 65 and col. 15, lines 19-43 where a decision is made about a search method based on the shortest search time and high combined degree of similarity.

#### ***Remarks***

9. The Applicants' arguments filed on April 4, 2005 have been fully considered but they are not persuasive, for the Examiner's response, please see discussion below:
- a). At Page 6, concerning claims 1-22, the Applicant briefly argued that the prior arts cited by the Examiner (Tsutsumi and Singhal references) failed to teach Applicant's disclosures in the claims.

As to the above argument a), the Examiner respectfully submits the references or their combined teachings teaches the subject matter as disclosed by the Applicant.

b). At Page 6, concerning the newly added claims 23-24, the Applicant argued that the prior arts cited by the Examiner (Tsutsumi and Singhal references) failed to teach Applicant's disclosures in the claims.

As to the above argument b), the Examiner respectfully submits a new McGee reference which teaches a generic mathematical formula for calculating standard to further combine with the cited Tsutsumi and Singhal references to provide teaching for subject matter disclosed in claims 23-24.

10. In light of the forgoing arguments, the 35 U.S.C 103 rejection for Claims 1-24 is hereby sustained.

11. The prior art made of record

- A. U.S. Patent 5,812,998
- B. U.S. Patent 6,163,782
- B. U.S. Patent 6,496,228

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

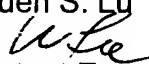
- C. U.S. Patent 6,615,220
- D. U.S. Patent 6,526,417
- E. U.S. Patent 5,778,363
- F. U.S. Patent 6,199,067
- G. U.S. Patent 6,108,057

9. In light of the forgoing arguments, the 35 U.S.C 103 rejection for Claims 1-22 is hereby sustained.

**Contact information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu  
  
Patent Examiner

May 24, 2005

  
Mohammad Ali

Primary Examiner

May 24, 2005